

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
(Southern Division)**

ROXANA RIVERA

Plaintiff,

v.

KANTUTAS RESTAURANT, LLC

and

MARIA M. PEREDO

Defendants.

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Case No.:

NOTICE OF REMOVAL

Please take notice that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446 and Local Rule 103(5), Defendants Kantutas Restaurant, LLC and Maria Peredo file this Notice of Removal in the United States District Court for the District of Maryland, Southern Division. In support of this Notice, Defendants state as follows:

1. Plaintiff Roxana Rivera filed civil suit against Defendants in the Circuit Court for Montgomery County, Maryland on or about January 12, 2017. The summons was issued on January 13, 2017 and the action was assigned Case No. CAL 429294V. Defendants were served on February 6, 2017. Pursuant to Local Rule 103.5 true and legible copies of all process, pleadings, documents and orders which have been served upon Defendant are attached hereto.

2. The basis for removal is federal question. Pursuant to 28 U.S.C. § 1441(a), “except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and

division embracing the place where such action is pending.” *Id.* This District Court, specifically the Southern Division, embraces the Circuit Court for Montgomery County, where the action is currently pending.

3. The United States District Court for the District of Maryland has original jurisdiction over this matter pursuant to 28 U.S.C. §1331, which states that “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” Plaintiff Rivera in her Complaint pled Count I as a violation of the Federal Fair Labor Standards Act 29 U.S. Code §§ 206, 207; thereby bringing a civil action arising under the laws of the United States.

4. Venue is appropriate in this Court pursuant to 28 U.S.C. §1391(b) as a substantial part of the alleged events and/or omissions described in the Complaint allegedly occurred in Montgomery County, Maryland.

5. This Notice is filed with this Court within thirty (30) days of Defendants’ receipt “through service or otherwise, of a copy of the initial pleadings setting forth the claim for relief upon which such action or proceeding is based,” as provided by 28 U.S.C. § 1446 and case law interpreting this provision.

6. Defendants do not waive, but expressly preserve, any and all defenses, affirmative defenses and counterclaims to the suit.

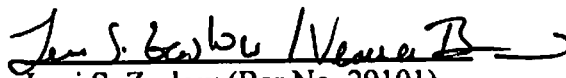
7. A copy of this Notice of Removal has been filed with the Clerk of the Circuit Court for Montgomery County, Maryland and copies forwarded to all parties with known addresses, to effect removal of this action to the United States District Court for the District of Maryland pursuant to 28 U.S.C. § 1446(d).

8. In accordance with 28 U.S.C. § 1446(a) and Local Rule 103(5), attached hereto is a true and legible copy of all papers on file for this case in the Circuit Court for Montgomery County, Maryland.

Therefore, having met all the requirements for removal pursuant to 28 U.S.C. §§ 1441 and 1446, and all jurisdictional requirements established by 28 U.S.C. §1331 and 1391, Defendants Kantutas Restaurant, LLC and Maria Peredo hereby give notice that they remove the captioned case from the Circuit Court for Montgomery County, Maryland to the United States District Court for the District of Maryland, Southern Division and that this action proceed no further in the Circuit Court for Montgomery County.

Respectfully Submitted,

JOSEPH, GREENWALD, & LAAKE, P.A.



Levi S. Zaslow (Bar No. 29101)

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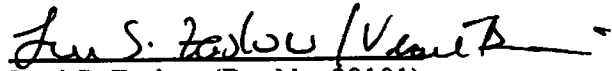
Email: lzaslow@jgllaw.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on 3/7/17 a copy of the foregoing was mailed, first class postage prepaid, to:

Michael K. Amster, Esq.
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Counsel for Plaintiff


Levi S. Zaslow (Bar No. 29101)